

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
:
HELLO NEWMAN, INC., : Case No. 16-12910 (SCC)
:
Debtor. :
:
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**ORDER (I) DESIGNATING DORIS KORNISH AS
THE RESPONSIBLE OFFICER OF THE DEBTOR AND
(II) COMPELLING HER TO TURN OVER PROPERTY OF THE ESTATE
TO THE TRUSTEE, AND OTHERWISE COOPERATE WITH THE TRUSTEE**

Upon the application (the "Motion")¹ of Albert Togut, not individually but solely in his capacity as the Chapter 11 trustee (the "Trustee") of the estate of Hello Newman, Inc. (the "Debtor"), by his attorneys, Togut, Segal & Segal LLP, for an Order pursuant sections 105 and 521 of title 11 of the United States Code (the "Bankruptcy Code"), and Rule 9001(5) of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), (i) designating Doris Kornish as the responsible officer of the Debtor and (ii) compelling her to: (1) turn over property of the estate to the Trustee; and (2) otherwise cooperate with the Trustee; and it appearing Ms. Kornish's cooperation is necessary to the Trustee's administration of this estate; and the Court having considered the Motion; and the Court having heard the Trustee, by his counsel, and Ms. Kornish during a hearing conducted on April 5, 2017 (the "Hearing"); and based upon the record made during the Hearing; and after due deliberation and sufficient cause being shown therefor; it is

ORDERED, that:

(a) pursuant to Bankruptcy Rule 9001(5), Doris Kornish is

¹ Capitalized terms not defined herein shall have the meaning given to them in the Motion.

designated as the person responsible for performing the Debtor's duties in this case;

- (b) Doris Kornish is directed to identify and turn over to the Trustee all property of the Debtor's estate in accordance with Bankruptcy Code section 521(a)(4), including, but not limited to, funds belonging to the Debtor's estate, and any books and records related thereto not later than April 19, 2017;
- (c) Doris Kornish is directed to instruct New Vibe Yoga, Inc. a/k/a Village Ashtanga d/b/a/ Village Yoga Friends ("Village Yoga") to pay all use and occupancy payments for its use of premises located at 113 E. 2nd Street, New York, New York (the "Premises") directly to the Trustee in the monthly amount of not less than \$5,500 (the "U&O"), by check made payable: "Albert Togut, as Chapter 11 Trustee of Hello Newman, Inc.," and deliver such payments to the Trustee's attorneys: Togut, Segal & Segal LLP, One Penn Plaza, Suite 3335, New York, New York 10119, Attn: Neil Berger, Esq.; and
- (d) Doris Kornish is directed to otherwise fully cooperate with the Trustee's requests for cooperation in his administration of the Debtor's assets and estate in accordance with Bankruptcy Code section 521; and it is further

ORDERED, that Village Yoga is hereby directed to pay and deliver all U&O payments directly to the Trustee in accordance with this Order; and it is further

ORDERED, that nothing contained herein creates any tenancy in favor of any party in and to the Premises, or a waiver of any right, claim or defenses in favor of

the Trustee and the Debtor's estate including, without limitation, the right to seek fair market use and occupancy; and it is further

ORDERED, that the Trustee shall serve a copy of this Order upon (a) Doris Kornish and (b) Village Yoga by e-mail and by overnight carrier not later than one (1) business day after the date of entry of this Order at 113 East 2nd Street, New York, New York 10009; and it is further

ORDERED, that compliance with this Order may be compelled by the issuance and service of subpoenas by the Trustee pursuant to Federal Rule of Civil Procedure 45 and Bankruptcy Rules 2004(c) and 9016; and it is further

ORDERED, that this Order is without prejudice to the Trustee's right to seek other or further relief concerning Doris Kornish or from any other person.

DATED: New York, New York
April 19, 2017

/S/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE